



# NEWS

**Federal Communications Commission**  
**445 12<sup>th</sup> Street, S.W.**  
**Washington, D. C. 20554**

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action. See MCI v. FCC, 515 F.2d 385 (D.C. Circ 1974).

**News media Information 202 / 418-0500**

**TTY 202 / 418-2555**

**Fax-On-Demand 202 / 418-2830**

**Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>**

FOR IMMEDIATE RELEASE  
April 3, 2002

NEWS MEDIA CONTACT:  
Meribeth McCarrick at (202) 418-0654

## **FCC GRANTS VOICESTREAM A TEMPORARY WAIVER OF COMMISSIONS PRIORITY ACCESS SERVICE RULES**

Washington, D.C. – The Federal Communications Commission (FCC) has adopted a *Memorandum Opinion and Order (MO&O)* granting VoiceStream Wireless Corporation's (VoiceStream) petition for waiver of the Commission's wireless priority access service (PAS) rules.

On November 28, 2001, VoiceStream filed a petition with the Commission of its PAS rules. The National Communications System (NCS) made a filing in support of VoiceStream's petition. Specifically, VoiceStream sought a waiver of Section 64.402 of the Commission's rules in order to be able to provide a wireless emergency service to the NCS.

### Specifics of the Adopted MO&O:

In the adopted *MO&O*, the FCC acts upon VoiceStream's request by granting a temporary waiver of the provision in Appendix B included in the FCC's Part 64 Rules that authorized users activate the feature on a per call basis by dialing a feature code. Specifically, the Commission grants VoiceStream a waiver until notification by VoiceStream or NCS that the per call invocation feature can be commercially deployed on a global system for mobile communications (GSM) system, upon expiration or termination of the contract between VoiceStream and NCS, DynCorp or any other service integrator acting on behalf of NCS, to provide a wireless priority access capability; or by December 31, 2002, whichever is earliest.

### Background on Priority Access Service Rules:

In July 2000, the Commission responded to a request from NCS and amended its Part 64 Rules to permit commercial mobile radio service (CMRS) carriers to voluntarily offer PAS to national security and emergency preparedness (NSEP) personnel. Under the PAS Rules, authorized NSEP users in emergencies could gain access to the next available wireless channel to originate a call; however, the priority calls would not preempt calls in progress. In adopting the PAS Rules applicable to CMRS providers, the Commission noted that carriers who elected to offer PAS would be required to adhere to uniform operating protocols concerning the number of priority levels and the priority level for particular NSEP users. In this regard, the FCC's PAS Rules provide for five levels of priority as requested by NCS. As envisioned by the Part 64 Rules, PAS would be triggered on a per call basis by dialing a feature code and would be available to authorized NSEP users at all times. The Commission did not require CMRS providers to offer PAS or to adhere to particular technical standards in implementing PAS.

The Commission's PAS Rules provide that the Executive Office of the President, acting through NCS, will administer PAS. The NCS will receive, process and evaluate requests for priority actions from authorizing agents.

Action by the Commission March 15, 2002, by Memorandum Opinion and Order (FCC 02-84). Chairman Powell, Commissioners Abernathy and Martin with Commissioner Copps approving in part and dissenting in part with Commissioners Copps and Martin issuing separate statements.

FCC Contact: Karen Franklin at (202) 418-0680 or [kfrankli@fcc.gov](mailto:kfrankli@fcc.gov)

WT Docket No. 01-333